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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS Arizona Corporation Commission

DOCKETED

DOUG LITTLE – Chairman

BOB STUMP

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TOM FORESE

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AZ CORP COMMISSION

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IN THE MATTER OF THE COMMISSION'S
INVESTIGATION OF VALUE AND COST OF
DISTRIBUTED GENERATION.

DOCKET NO. E-00000J-14-0023

PROCEDURAL ORDER

BY THE COMMISSION:

On December 3, 2013, the Arizona Corporation Commission (“Commission”) issued Decision No. 74202 in Docket No. E-01345A-13-0248. As part of that Decision, the Commission ordered that a generic docket be opened on net metering (“NM”) issues, and that workshops be held with all stakeholders to help inform future Commission policy on the value that distributed generation (“DG”) installations bring to the grid.¹ As a result, this docket was opened.

On October 20, 2015, at its regularly scheduled Open Meeting, in the course of considering Docket No. E-01345A-13-0248,² the Commission ordered that an evidentiary hearing be held in this generic docket to include, in addition to the value and cost of DG, cost of service issues related to Arizona Public Service Company’s (“APS’s”) provision of service to DG and non-DG customers.

Parties to this case include: The Alliance for Solar Choice (“TASC”), Clean Power Arizona, Freeport Minerals Corporation (“Freeport Minerals”), Arizonans for Electric Choice and Competition (“AECC”), Arizona Solar Deployment Alliance (“ASDA”), Vote Solar, Arizona Utility Ratepayer Alliance (“AURA”), Arizona Investment Council (“AIC”), the Residential Utility Consumer Office (“RUCO”), Grand Canyon State Electric Cooperative Association, Inc. (“GCSECA”), Arizona Competitive Power Alliance (“ACPA”), Western Resource Advocates (“WRA”), Ajo Improvement Company (“Ajo”), Arizona Electric Power Cooperative, Inc. (“AEPCO”), APS, Columbus Electric Cooperative, Inc. (“CEC”), Dixie-Escalante Rural Electric Association, Inc., Duncan Valley Electric

¹ Decision No. 74202 at 30.

² In the matter of the application of Arizona Public Service Company for approval of net metering cost shift solution. The Commission closed Docket No. E-01345A-13-0248 by Decision No. 75290 (October 27, 2015).

1 Cooperative, Inc. ("DVEC"), Garkane Energy Cooperative, Inc. ("Garkane"), Graham County Electric
2 Cooperative, Inc. ("GCEC"), Mohave Electric Cooperative, Inc. ("MEC"), Morenci Water and Electric
3 Company ("MWE"), Navopache Electric Cooperative, Inc. ("NEC"), Sulphur Springs Valley Electric
4 Cooperative, Inc. ("SSVEC"), Trico Electric Cooperative, Inc. ("Trico"), Tucson Electric Power
5 Company ("TEP"), UNS Electric, Inc. ("UNSE"), Patricia Ferré, Nancy Baer, and the Commission's
6 Utilities Division ("Staff").

7 On December 3, 2015, following consideration of oral and written comments received in this
8 docket regarding procedural issues related to the evidentiary hearing to be held in this docket, a
9 Procedural Order was issued governing procedural matters. The Procedural Order set the hearing to
10 commence on April 18, 2016, and set associated public notice requirements and testimony filing
11 deadlines.³

12 Numerous public comments have been filed.

13 On December 22, 2015, Commissioner Little filed a letter to the docket outlining his views
14 regarding the purpose of the evidentiary hearing, expected outcomes of the process, and parties'
15 participation. Commissioner Little's letter also enumerated some specific issues/questions he believes
16 should be addressed by participating parties.

17 On January 6, 2015, Commissioner Little's office filed a copy of a document used as a reference
18 in Commissioner Little's December 22, 2015 letter to the docket.

19 On January 8, 2015, Commissioner Forese filed a letter to the docket expressing his concerns
20 and requesting that the parties work to develop "win-win" methodologies and solutions.

21 On January 26, 2016, SSVEC filed a Notice of Consent to Email Service.

22 On January 26, 2016, Arizona Solar Energy Industries Association ("ARISEIA") filed a Motion
23 to Intervene. ARISEA's Motion included an attestation that ARISEA's Board of Directors authorized
24 its Chairman, Mark Holohan, to represent it in this matter.

25
26 ³ On December 23, 2015, a Procedural Order was issued extending the December 31, 2015 public notice requirement
27 deadline set by the December 3, 2015 Procedural Order to February 1, 2016, extending the intervention deadline to February
28 19, 2016, widening the acceptable means of providing public notice, and indicating that utilities could include their own
individual introductory paragraphs preceding the prescribed form of public notice. Public notice, pursuant to the
requirements of the December 3, 2015 and December 23, 2015 Procedural Orders, has been provided to all customers of
Arizona electric utilities subject to rate regulation by the Commission.

1 On January 29, 2016, Local Unions 387, 1116 and 769 of the International Brotherhood of
2 Electrical Workers, AFL-CIO ("IBEW") filed a Motion to Intervene.

3 On February 1, 2016, Lewis M. Levenson filed a Motion to Intervene.

4 On February 1, 2016, Susan Pitcairn and Richard Pitcairn filed a joint Motion to Intervene.

5 On February 8, 2016, Commissioner Burns filed a letter to the docket requesting that the parties
6 file testimony regarding the impact of rooftop solar and other distributed generation on water use,
7 discussed in the context of developing a methodology for the value and cost of distributed generation.

8 On February 9, 2016, TEP filed a Notice of Consent to Email Service.

9 SSVEC and TEP have opted to receive service of all filings in this docket, including all filings
10 by parties and all Procedural Orders and Recommended Opinions and Orders/Recommended Orders
11 issued by the Commission's Hearing Division, via their designated email addresses rather than via U.S.
12 Mail. They have exercised this option by docketing hard copies of their Consents to Email Service by
13 sending emails, containing their name and the docket number for this matter, to
14 HearingDivisionServicebyEmail@azcc.gov from their designated email addresses. The Hearing
15 Division has verified the validity of the designated email addresses, which now appear on the service
16 list for this matter in addition to SSVEC's and TEP's addresses for U.S. Mail.

17 The Consents to Email Service completed by SSVEC on January 26, 2016, and by TEP on
18 February 9, 2016, should be approved.

19 No objections to the pending Motions to Intervene have been filed. Accordingly, ARISEIA,
20 IBEW, Lewis M. Levenson, Susan Pitcairn, and Richard Pitcairn should be granted intervention.

21 Pursuant to Arizona Supreme Court Rule 31(d)(28), Mark Holohan should be allowed to
22 represent the interests of ARISEIA in this proceeding. The Commission may require counsel in lieu
23 of lay representation upon a determination that lay representation is interfering with the progress of the
24 proceeding, imposing undue burdens on the other parties, or causing harm to the parties represented.

25 On February 2, 2016, pursuant to Arizona Supreme Court Rule 39, Timothy Hogan filed with
26 the Commission a Motion to Associate Counsel *Pro Hac Vice* to associate Michael Alan Hiatt as
27 counsel for Vote Solar. The Motion lists Mr. Hogan as the designated member of the Arizona State
28 Bar with whom communication may be made and upon whom papers should be served. Attached to

1 the Motion is a copy of the verified Application for Appearance *Pro Hac Vice* filed with the State Bar
2 of Arizona for Mr. Hiatt; a copy of the certificates of good standing from the jurisdictions in which he
3 has been admitted to practice law; and a copy of the Notice of Receipt of Complete Application from
4 the State Bar of Arizona.

5 In the discretion of the Commission, Mr. Hiatt should be permitted to appear and participate in
6 the above-captioned matter on behalf of Vote Solar.

7 IT IS THEREFORE ORDERED that Michael J. Hiatt is admitted *pro hac vice* in the above-
8 captioned matter.

9 IT IS FURTHER ORDERED that Mr. Hiatt's address for service of papers and other
10 communication is:

11 Michael Alan Hiatt
12 Earthjustice
13 633 17th Street, Suite 1600
14 Denver, CO 80202

15 IT IS FURTHER ORDERED that the address for service of papers and other communication
16 for the Arizona-licensed attorney designated as local counsel for Vote Solar is:

17 Timothy M. Hogan
18 ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
19 514 W. Roosevelt St.
20 Phoenix, AZ 85003

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
23 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
24 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
25 for discussion, unless counsel has previously been granted permission to withdraw by the
26 Administrative Law Judge.

27 IT IS FURTHER ORDERED that ARISEIA, IBEW, Lewis M. Levenson, Susan Pitcairn, and
28 Richard Pitcairn are hereby granted intervention.

IT IS FURTHER ORDERED that pursuant to Arizona Supreme Court Rule 31(d)(28), Mark
Holohan should be allowed to represent the interests of ARISEIA in this proceeding. However, upon

1 a determination that lay representation is interfering with the progress of the proceeding, imposing
2 undue burdens on the other parties, or causing harm to the parties represented, the Commission may
3 require counsel in lieu of lay representation.

4 IT IS FURTHER ORDERED that the Consents to Email Service completed by SSVEC and
5 TEP to receive service of all filings in this docket, including all filings by parties and all Procedural
6 Orders and Recommended Opinions and Orders/Recommended Orders issued by the Commission's
7 Hearing Division, via their designated email addresses rather than via U.S. Mail, are hereby approved.

8 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this
9 matter may opt to receive service of all filings in this docket, including all filings by parties and all
10 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
11 Commission's Hearing Division, via email sent to an email address provided by the party rather than
12 via U.S. Mail. To exercise this option, a party shall:


- 13 1. Ensure that the party has a valid and active email address to which the party has regular
14 and reliable access ("designated email address");
- 15 2. Complete a Consent to Email Service using the form available on the Commission's
16 website (www.azcc.gov) or a substantially similar format;
- 17 3. File the original and 13 copies of the Consent to Email Service with the Commission's
18 Docket Control, also providing service to each party to the service list;
- 19 4. Send an email, containing the party's name and the docket number for this matter, to
20 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
21 the Hearing Division to verify the validity of the designated email address;
- 22 5. Understand and agree that service of a document on the party shall be complete upon
23 the sending of an email containing the document to the designated email address,
24 regardless of whether the party receives or reads the email containing the document;
25 and
- 26 6. Understand and agree that the party will no longer receive service of filings in this
27 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
28 and until the party withdraws this consent through a filing made in this docket.

IT IS FURTHER ORDERED that a party's consent to email service shall not become effective until a Procedural Order is issued approving the use of email service for the party. The Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing Division has verified receipt of an email from the party's designated email address.

IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter via email does not change the requirement that all filings with the Commission's Docket Control must be made in hard copy and must include an original and 13 copies.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at a hearing.

DATED this 16th day of February, 2016.


TEENA J. BILIAN
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 16th day of February, 2016 to:

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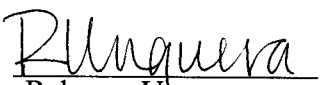
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